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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 BRIAN J. NIEDERMIER,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner of
12 Social Security Administration,

13 Defendant.

Case No. C07-5224BHS


ORDER ADOPTING REPORT
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 30.

16 The Court having considered the Report and Recommendation, Petitioner's failure to
17 file objections, and the remaining record, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and
19 (2) This action is **DISMISSED without prejudice** for failure to prosecute.

20 DATED this 27th day of August, 2009.

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24 BENJAMIN H. SETTLE
25 United States District Judge
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ORDER